



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.govMichael R. Pence
GovernorCarol S. Comer
CommissionerVIA ELECTRONIC MAIL

November 16, 2015

Mr. Brent K. Bilsland, President
Sunrise Coal, LLC
1183 E. Canvasback Drive
Terre Haute, Indiana 47802

Dear Mr. Bilsland:

Re: NPDES General Permit No. ING040199
IDNR Permit No. U-028
Sunrise Coal Carlisle Mine
1466 East State Road 58
Carlisle, Indiana
Sullivan County

Your NPDES permit Notice of Intent letter received on August 7, 2015, and revised via email on October 23, 2015, requesting modification of the above-referenced general permit coverage, has been reviewed. In these submittals Mr. Jacob Gennicks, on your behalf, has requested the following changes to Sunrise Coal, LLC's coverage for this site:

Outfall 002 (latitude 38°, 56', 24", longitude -87°, 24', 00", discharging to an unnamed tributary to Marsh Creek), is to be removed from coverage. This discharge point is now being monitored as existing Outfall 005 under NPDES individual permit IN0062791, and so monitoring under the general permit is not necessary; and

Outfall 001 (latitude 38°, 56', 25", longitude -87°, 23', 14" discharging to an unnamed tributary to Marsh Creek), is to be renamed and will henceforth be known as Outfall 202.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. We have been in contact with Mr. Gennicks and with representatives of the IDNR in Jasonville, Indiana in order to explain inconsistencies between the original request and IDEM's current information of record regarding these discharge points. It was discovered that sometime after 2009 the outfall originally identified via locational coordinates and maps by Sunrise Coal as Outfall 001 was switched by Sunrise Coal with the outfall originally identified as Outfall 002. However this was done unintentionally and so the change was never reported to IDEM. This means that all of the DMR and MMR data reported after this switch was made that was attributed to Outfall 001 actually should have been attributed to Outfall 002, and vice versa. This also means that we cannot simply drop from coverage the



Mr. Brent K. Bilsland, President
Page 2

outfall that is now being monitored as Outfall 005 in the site's individual permit as using either number would result in either IDEM or Sunrise Coal having two different data streams and records for the same discharge location. It has been determined that the only way to correct the situation without further damage to historical data and the ongoing data stream, is to drop the outfall that was originally identified as Outfall 002 and to re-name the other outfall, currently identified by IDEM as Outfall 001, and by Sunrise as Outfall 002. The amended request, received by this office on October 23, 2015, meets these requirements. Therefore our office concurs that it may be granted.

The discussions between IDEM and the IDNR also included the mine drainage status of the outfalls at this site. All outfalls at the site have been listed as Undetermined since the site obtained its original coverage under this permit in 2005. However, an Undetermined mine drainage status is intended to apply only until sufficient monitoring data from the site has been collected to determine whether the discharge is acidic or alkaline. As such the outfalls at Sunrise Coal LLC's Carlisle Mine site need to be updated. Original paperwork from Sunrise Coal dating back to that time indicated that the first two outfalls at the site, 001 and 002, were considered acidic. In our discussions with the IDNR on this request we learned that this was no longer the case, and that **with the exception of existing Outfall 003, which may still need to be monitored as acidic, all could be assigned an alkaline mine drainage status.** Therefore **we are incorporating this necessary update into this modification.** Coverage for the facility will now include all outfalls as listed on the first table of Attachment 1 to this correspondence. New DMR and MMR forms will be sent to you as is necessary to reflect the changed monitoring requirements.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/cleanwater/2396.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at (317) 232-8670.

These modifications will be deemed effective on **November 1, 2015**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **November 30, 2019**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the

Mr. Brent K. Bilsland, President
Page 3

Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
Attachment

cc: Sullivan County Health Department
THuff@dnr.in.gov
JPeltier@dnr.in.gov

ATTACHMENT 1

Sunrise Coal Carlisle MineNPDES PERMIT NO. ING040199IDNR PERMIT NUMBER U-028, U-028-2EFFECTIVE DATE: **November 1, 2015**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
<u>202**</u>	U-028 001	38°, 56', 25"	87°, 23', 14"	<u>ALKALINE</u>	Unnamed tributary to Marsh Creek
003	U-028-2 003	38°, 56', 34"	87°, 22', 09"	<u>ACID</u>	Marsh Creek
004	U-028 004	39°, 00', 06"	87°, 23', 49"	<u>ALKALINE</u>	Unnamed tributary to Middle Fork Creek

** Existing Outfall 001 renamed and will henceforth be identified as Outfall 005. See letter.

The following outfall has been removed and is no longer covered under this permit:

002	U-028 002	38°, 56', 24"	87°, 24', 00"	<u>ALKALINE</u>	Unnamed tributary to Marsh Creek
-----	--------------	---------------	---------------	------------------------	-------------------------------------

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2015 – 11D -GP

DATE OF NOTICE: November 16, 2015

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

SUNRISE COAL – CARLISLE MINE, Permit No. ING040199, SULLIVAN COUNTY, Carlisle, IN. This modification is being issued because the facility is adding 1 outfall, deleting 2 outfalls and changing mine drainage status on 3 others which will discharge to an unnamed tributary to Marsh Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management
 NPDES General Permit Notice of Intent (NOI) Letter Submittal Application
 327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

I. PURPOSE OF SUBMITTAL:				
Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.				
NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING040199	Deletion and Removal of Outfall 002 from Permit Renaming of Outfall 001 to Outfall 202

II. GENERAL INFORMATION									
Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.									
a. APPLICANT NAME (TO THE ATTENTION OF)				e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER	
Jacob Gennicks				1222		Sullivan		U-28	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER					
COMPANY NAME				Latitude			Longitude		
Sunrise Coal, LLC									
STREET ADDRESS				degree	minute	second	degree	minute	Second
1183 E Canvasback Drive									
CITY		STATE	ZIP CODE						
Terre Haute		IN	47802	38	56	36	87	23	32
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION					
				Township		Range		Section	
CARLISLE MINE				6N		9W		22	
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId					
STREET ADDRESS				STREET ADDRESS					
1466 E SR 58									
CITY		STATE	ZIP CODE	CITY		STATE		ZIP CODE	
Carlisle		IN	47838						

III. CONTACT INFORMATION AUTHORIZED SIGNATORY	
This section applies to the responsible corporate officer and/or alternate person who is Authorized to be responsible for all signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable.	
a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE	d. ALTERNATE PERSON TO ANSWER QUESTIONS
Brent K. Bilsland, President	Jacob Gennicks, P.E.
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE	e. ALTERNATE PERSON'S TELEPHONE
812.299.2800 ext. 202	812.398.2200 ext. 113
c. APPLICANT EMAIL ADDRESS	f. ALTERNATE PERSON'S EMAIL ADDRESS
bbilsland@sunrisecoal.com	jgennicks@sunrisecoal.com

ENFORCEMENT CONFIDENTIAL IV. CONTACT INFORMATION OTHER: FOIA EXEMPT				DO NOT RELEASE	
DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION			c. <u>CONTACT AND COMPANY NAME</u> Sunrise Coal, LLC		
a. <u>CONTACT TELEPHONE NUMBER</u> 812.398.2200			d. <u>STREET ADDRESS</u> 1466 E SR 58		
b. <u>CONTACT EMAIL ADDRESS</u> kgennicks@sunrisecoal.com			e. <u>CITY</u> Carlisle	f. <u>STATE</u> IN	g. <u>ZIP CODE</u> 47838
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS			i. <u>COMPANY AND CONTACT PERSON NAME</u> Sunrise Coal, LLC		
h. <u>CONTACT TELEPHONE NUMBER</u> 812.299.2800			k. <u>STREET ADDRESS</u> 1183 E Canvasback Dr		
i. <u>CONTACT EMAIL ADDRESS</u> dbradbury@sunrisecoal.com			l. <u>CITY</u> Terre Haute	m. <u>STATE</u> IN	n. <u>ZIP CODE</u> 47802
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)			q. <u>COMPANY AND CONTACT PERSON NAME</u>		
o. <u>CONTACT TELEPHONE NUMBER</u>			r. <u>STREET ADDRESS</u>		
p. <u>CONTACT EMAIL ADDRESS</u>			s. <u>CITY</u>	t. <u>STATE</u>	u. <u>ZIP CODE</u>

V. RULE QUALIFICATION:	
<p>The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.</p> <p>Does this facility meet these requirements? (please check one) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.</p> <p>The Applicant wishes to delete and discontinue monitoring of Outfall 002 under NPDES General Permit No. ING040199. The same Outfall is currently being monitored monthly under a separately approved Individual Permit No. IN0062791, labeled as Outfall 005 under that permit.</p> <p>Also, the applicant wishes to rename Outfall 001 of the same permit from Outfall 001 to Outfall 202. This modification is proposed to clarify monthly monitoring on site.</p>	

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS										
a. DNR OUTFALL NO.	b. LATITUDE			c. LONGITUDE			d. DRY WEATHER BASE FLOW	e. MINE DRAINAGE STATUS	g. Is this discharge to a STORM SEWER	f. Name of RECEIVING WATER OR if g is YES name of OPERATOR OF MUNICIPAL STORM SEWER, AND WATER IT DISCHARGES TO
	deg.	min.	sec.	deg.	min.	sec.				
001A	38	56	25	87	23	14	0	Active	Y/N	Tributary to Marsh Creek
002A	38	56	24	87	24	00	0	Active	Y/N	Tributary to Marsh Creek
003A	38	56	34	87	22	09	0	Active	Y/N	Marsh Creek
004A	39	00	06	87	23	49	0	Active	Y/N	Tributary to Middle Fork Creek
									Y/N	
									Y/N	
									Y/N	
									Y/N	
									Y/N	

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR basin and outfall NO.	c. DEL, ADD, CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE. EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
001A	Pond D	Change		Please See Part V Above.
002A	Pond C	Delete		Please See Part V Above.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50, attach to and submit with application.

Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Jayne Peltier,

8/4/2015

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:


"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Brent K. Bilsland, President

812.299.2800

Name and official title (type or print)

Area Code and phone No.


Signature

6/24/15
Date signed

Submit completed form and attachments to the following address:

Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

